IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION NO.192 of 2005**

Between:

Vemuri Durga Prasad, S/o V. Krishna ,
R/o D.No. 15-10, Dhanalaxmi Bar & Restaurant, Peddanna, Machilipatnam, Krishna District.

**..... PETITIONER**

AND

1 The Commissioner, Prohibition & Excise, Nampally, Hyderabad.
2 The Prohibition and Excise Superintendent, Krishna District at

Machilipatnam, Krishna District.
3 Sri Rama Wines, rep. by Ede Srinivas S/o Munneshwar Rao,
R/o Tallapalem, Krishna District.

**....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "Writ of Mandamus" and declare the action of the respondents in proposing to permit the 3rd respondent to shift his IL 24 Licence ie., M/s Sri Rama Wines, H.No. 114-5-1 Tallapalem to D.No. 7-43-1, Hussainpalem H/o Arisepali Panchayat, situated within 2 KM from Peddanna Municipality, Pedana Mandal, Krishna District is as illegal, arbitrary, against the Provisions of A.P. Excise Act, Rules thereunder and Provisions of G.O.Ms.No. 844, Revenue (Excise II) dt. 30-7-2003 and G.O. Ms. No. 826 , Revenue ( Excise II) dt. 24-7-2003 and consequently direct the respondents not to permit the 3rd respondent to shift his IL 24 licence from one slab to another slab.

**Counsel for the Petitioner: MR.K.L.N.SWAMY**

**Counsel for the Respondent Nos.1 and 2: GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent No.3: None appeared**

**The Court, at the admission stage, made the following:**

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**ORDER:**

This writ petition is filed seeking to declare the action of the respondents in proposing to permit the 3rd respondent to shift his IL 24 licence i.e., M/s Sri Rama Wines, H.No.114-5-1, Tallapalem to Door
No.7-43-1, Hussainpalem, H/o Arisepali Panchayat, situated within 2 KMs from Peddanna Municipality, Pedana Mandal, Krishna District, as illegal and arbitrary.

This court, while ordering notice before admission on 19.01.2005, directed the respondents 1 and 2 to consider the objections raised by the petitioner before according any permission to the 3rd respondent to shift his shop.

Heard both the counsel. Learned Government Pleader for Prohibition and Excise submitted that as per the Para-wise remarks the third respondent has not shifted his shop and the objections raised by the petitioner are pending consideration before the 1st respondent-Commissioner, Prohibition and Excise.

Inasmuch as the 3rd respondent has not shifted his shop and in view of the fact that the objections raised by the petitioner with regard to shifting of 3rd respondent's shop from one slab to another slab are pending consideration before the 1st respondent-Commissioner, Prohibition and Excise, without going into merits of the matter, I deem it appropriate to dispose of the writ petition with a direction that the

1st respondent-Commissioner, Prohibition and Excise shall consider the objections raised by the petitioner and pass appropriate orders thereon in accordance with law. Till such time, status quo existing as on today shall be maintained. No order as to costs.

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**N.V. RAMANA, J.**

Date: 26.04.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Prohibition & Excise, Nampally, Hyderabad.
2 The Prohibition and Excise Superintendent, Krishna District at

Machilipatnam, Krishna District.
3 Two CCs to GP for Prohibition and Excise, High Court

Buildings, Hyderabad (OUT)

4 Two CD copies